

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

DA 02-2152

Revision or Elimination of Rules)

Under the Regulatory Flexibility Act)

ET Doc. 03-237

DOCKET FILE COPY ORIGINAL COMMENTS OF THE AIRPORTS COUNCIL
INTERNATIONAL-NORTH AMERICA

The Airports Council International-North America ("ACI-NA") hereby responds to the Public Notice¹ inviting public comment on the pending review of certain FCC rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. §610. Of the rule parts listed in the Public Notice, we are especially interested in Parts 22 (Cellular Radio Telephone), 25 (Satellite Communications), 87 (Aviation Services) and 90 (Private Land Mobile Radio Services). ACI-NA urges the Commission to preserve existing bandwidth used by airports and their tenants, and also to protect aeronautical frequencies against interference.

ACI-NA represents the local, regional and state governing bodies that own and operate the principal airports served by scheduled air carriers in the United States. The U.S. airport members of ACI-NA enplane more than 98 percent of the total domestic, and virtually all international, scheduled airline passenger and cargo traffic in the United States. ACI-NA's member airports are operated in almost all cases by state and local governments that lease space in airports to airlines and various commercial retail establishments and manage access to airport property. Our members include "small governmental jurisdictions" as defined in 5 U.S.C.

¹ DA 02-2152, released September 6, 2002.

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§601(5). The concerns expressed in these comments apply to all airports and airport tenants, however.

ACI-NA believes that events of the past year, and the attendant magnified concern for airport and airline security, underscore our request that, as specific regulations are reviewed, radio spectrum now used by airports and their tenants at least be preserved and, if possible, extended. As Chairman Powell observed recently:

Spectrum is an essential input in the continuing fight against terrorism, a force multiplier for our military and an everyday necessity for public safety officials. We must continue to work with the Administration's Homeland Defense leadership as well as the public safety and critical infrastructure communities within the FCC's jurisdiction to ensure that adequate spectral resources are available to facilitate reliable and interoperable communications.²

ACI-NA is also heartened by Chairman Powell's suggestion of a "new paradigm for interference protection" requiring "a clear quantitative application of what is acceptable interference."

Transmitters would be required to ensure that the interference level -- or "interference temperature" -- is not exceeded. Receivers would be required to tolerate an interference level.³

The setting of proper levels for both transmitters and receivers, however, is no simple task.

Where public safety radio systems are concerned,⁴ these limits must be set conservatively until

² "Broadband Migration III: New Directions in Wireless Policy," as prepared for delivery at the University of Colorado, October 30, 2002, 2.

³ *Id.*, 6.

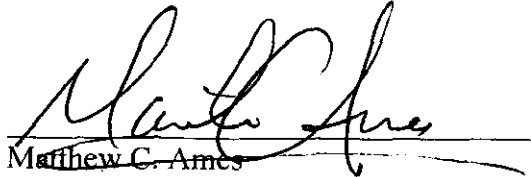
⁴ We would include here private systems, including aeronautical air-ground and ground services, for which safety and security is a principal concern.

they can be fully tested empirically.⁵ Accordingly, ACI-NA asks the Commission, in conducting

its review of the current regulations, to adopt as its guiding principle the Hippocratic Oath:

"First, do no harm."

Respectfully submitted,



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⁵ Empirical testing of ultra wideband ("UWB") radio effects on existing services is going on now. ACI-NA awaits with interest the results and their application to existing rules. "Measured Emissions Data for Use in Evaluating the Ultra Wideband Emissions Limits in the Frequency Bands Used by the Global Positioning System," Project TRB 02-02, October 15, 2002.
http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/taskgroup_18/lab_report/